

## **REMARKS**

This Reply is accompanied by a Request for Continued Examination (RCE) pursuant to 37 CFR 1.114.

In view of the foregoing amendments and following remarks, favorable reconsideration of this application and allowance thereof is respectfully requested. Claims 1-13 stand rejected. Claim 1 has been amended. Claims 1-13 are pending in the present application. No new matter has been introduced.

### **I. Interview Summary**

Applicant's undersigned attorney, Leslie Nguyen, would like to thank Examiner Williams for the courtesies extended during the telephonic interview conducted on May 26, 2010, in the present application. During the interview, Applicant's undersigned attorney presented arguments further to the Reply To Office Action Mailed November 25, 2009, focusing on the cited Beck and Bornhof references.

During the interview, the Examiner acknowledged that Beck does not disclose electrically actuatable valves for supplying compressed air to service brake circuits that are open in a de-energized normal state. The Examiner also came to appreciate that, with respect to Bornhof, valves 21 and 31 of circuits 2 and 3 are in closed position in a de-energized normal state while valve 11 of circuit 1 is in open position in a de-energized normal state. Accordingly, the Examiner further acknowledged that Bornhof does not teach or suggest electrically actuatable valves for supplying compressed air to service brake circuits that are in open position in a de-energized normal state. The Examiner suggested that Applicants present clarifying amendments as to the structural differences between the cited references and the claimed invention.

### **II. Detailed Response**

In the Office Action, the Examiner rejected claims 1-4 and 12 under 35 U.S.C. §102(b) as being anticipated by Beck U.S. Patent No. 6,276,761. The Examiner also rejected claims 1-13 under 35 U.S.C. §102(b) as being anticipated by Bornhof et al. EP 0810136 A1. Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants' claimed invention is directed to embodiments of a method and system for refilling brake circuits rapidly after compressed air consumption from a high-pressure consumer circuit in addition to a compressor whereby electrically actuatable valves for supplying compressed air to service brake circuits are in an open position in a de-energized normal state. Independent claim 1 has been amended to more particularly point out and distinctly claim the foregoing. If the monitored pressure values of operational brake circuits fall below a threshold value, operational brake circuits identified as defective are blocked (i.e., closed in an energized state) and communication is established between additional compressed air consumer circuits and intact operational brake circuits in order to refill the operational brake circuits from a compressed air reservoir of the additional compressed air consumer circuits. The method and system of the present claimed invention are salutary as they allow for the operational brake circuits to be refilled much faster than merely by means of the compressor.

Beck describes embodiments of an air braking system having a compressor, an air consumer circuit, a first electrically actuatable valve between the compressor and the consumer circuit, an auxiliary air circuit, and a second actuatable valve between the compressor and the auxiliary circuit, wherein the auxiliary circuit is connected to the compressor via a non-return valve. In the event of an electrical failure, the auxiliary circuit can be arranged to supply air under pressure to the consumer circuit.

Bornhof describes embodiments of an air braking system having three pressure controllers with inputs connected via separate lines to a common electrical control source

capable of providing signals to switch on and off electrical control inputs. The outputs are connected to separate hydraulic circuits that are interconnected in pairs by shut-off valves. One controller is arranged to have its output opened by any failure of the source, while the outputs of the other two controllers are closed. The open output is then connected by the valves to the circuits whose controllers are no longer active.

Beck and Bornhof both provide that the valves for supplying compressed air to the service-brake circuits are in closed position in a de-energized normal state. In order to establish communication between the service-brake circuits and the high pressure circuit, it would be necessary to switch both the valves associated with the service-brake circuits and the valve associated with the high pressure circuit. In stark contrast, with the service-brake circuits in an open position in a de-energized normal state, the method and system according to embodiments of the present claimed invention can switch the valve associated with the air-suspension circuit to an open position to establish communication with the service-brake circuits in order to refill the air-suspension circuit.

Indeed, neither Beck nor Bornhof teach or suggest establishing pneumatic communication between intact service-brake circuits of a plurality of compressed air consumer circuits, whereby the valves of the plurality of compressed air consumer circuits are in an open position in a de-energized state, and at least one additional compressed air consumer circuit having a compressed air reservoir with pressure at least equal to pressure in the intact ones of service-brake circuits as affirmatively claimed in amended claim 1 of Applicants' present application. Because the valves for supplying compressed air to the service-brake circuits disclosed by Beck and Bornhof are in closed position in a de-energized normal state rather than in open position like the present claimed invention, the pressure of the compressed air reservoir of the additional compressed air consumer circuit may not always be at least equal to pressure in the non-defective service-brake circuits.

Accordingly, independent claims 1 and 5 of the present application recite features and structure nowhere found in Beck and Bornhof, and, thus, these references cannot anticipate claims 1 and 5.

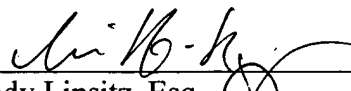

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983) (emphasis added), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the method and system of the present invention as claimed in independent claims 1 and 5 differs from the air braking systems disclosed in Beck and Bornhof, as discussed above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claims 1 and 5 are thus patentable over these cited references. Notice to this effect is earnestly solicited.

It is further submitted that claims 2-4 and 6-13 are also allowable by virtue of their respective dependencies from claims 1 and 5, as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

On the basis of the Examiner interview, the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response other than the \$810.00 fee for the RCE and the \$130 fee associated with the Petition for a one month extension of time submitted herewith. Please charge any fee deficiency and credit any overpayment to Deposit Account No. 50-0540.

Respectfully submitted,

By:   
Randy Lipsitz, Esq.   
Registration No. 29,189  
Richard L. Moss, Esq.  
Registration No. 39,782  
Leslie K. Nguyen, Esq.  
Registration No. 49,081  
Attorneys for Applicants  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, New York 10036  
(212) 715-9100